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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,277	05/30/2001	Carsten Thormod Pedersen	060258-0282898	7410

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EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
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3693

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12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/870,277	Applicant(s) PEDERSEN ET AL.	
	Examiner Stefano Karmis	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed on 07 September 2007.

Status of Claims

2. Claims 1-3, 8 and 12 are currently amended. Claim 15 and 16 are newly added. Claim 10 is cancelled. Therefore claims 1-9 and 11-16 are currently pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 and 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear how the same value used in updating credit will give two different credit amounts. Instead it appears that the types of vouchers have same value type (i.e. both are in U.S. dollars). So is the credits were calculated as specified in dependent claim 3, it would instead appear that the resulting value would be the same, if the same value is used in the updating. Claims 2-9 and 11-16 are rejected for similar reasons. This rejection could be overcome by amending the claims to specify that the defining of at least two different ways of updating credit is determined based on a voucher type comparison.

Regarding claim 8, the amended limitation of beginning with “determine” contains grammatical errors and it is not clear what is intended in the limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1, 3-9 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fougnyes et al. (hereinafter Fougnyes) U.S. Patent 5,854,975 in view of Segal et al. (hereinafter Segal) U.S. Patent 6,167,251.

Regarding claims 1, 8, 12, 15 and 16, Fougnyes teaches a method for updating a subscriber's account credit in a telecommunications system where at least two different types of buyable vouchers can be used for making deposits in the account, the types of buyable vouchers different from each other at least in the price of a call unit, the method comprising:

defining at least two different ways of updating the credit, the different ways of updating differing from each other at least in the way the credit is calculated (column 12, lines 22-27; Examiner notes that air-time credit and monthly access credit qualify as two different ways of updating the credit, because one is calculated on an air-time basis and the other on a monthly-basis; Also the card value contains variable credit values);

maintaining information indicating the type of a last used voucher of the subscriber (column 12, lines 17-21; Examiner notes that the POS system holds a database of all “spent” or “used” calling cards requires that the information indicating the type of a last used voucher for an area: Also see column 12, lines 35-47; Examiner notes that the account balance provides information regarding the balance of credit left in either air-time or monthly-basis. This provides an indication of the last used voucher by depicting what type of account balance the subscriber has);

receiving a deposit identifying a new voucher, which the subscriber is going to use to update the credit (column 12, lines 3-16; Examiner notes the buyer obtains a new air-time card or monthly-basis card);

determining the type of the second voucher (column 12, lines 35-47; Examiner notes the card number for the air-time card or monthly-access card is validated); and

selecting the way of calculating the credit on the basis of the type of the last used voucher and on the basis of the type of the second voucher (column 12, lines 61-63; Examiner notes that the account is credits according the card type and value).

Fournies fails to teach that the voucher types have the same type of value. Segal teaches prepaid different airtime cartridges which can differ based on time allotted (column 18, lines 36 thru column 19, line 22). Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the voucher types of Fournies (air time and monthly) to include that the vouchers are instead of the same currency and updated differently based on price per amount of time because it also provides for updating a balance based on the plurality of available types of pre-paid phone cards available.

Claims 3, 4, 13 and 14, Fougny teaches checking whether the last used voucher and the second voucher are of the same type (column 12, lines 48-54) and crediting the subscriber's account according to the card type and value (column 12, lines 61-65).

Claims 5 and 9, Fougny teaches that a subscriber enters a number corresponding to the prepaid card and presses a button to process the transaction (column 12, lines 22-34). Fougny fails to teach asking the subscriber for permission to update the credit, if the vouchers are of different type; and updating the credit only if the permission is received from the subscriber. Official Notice is taken that prompting a user for approval during a financial transaction is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fougny and include asking for permission because it provides for an increase in security when processing transactions.

Claims 6, the types of vouchers are determined on the basis of their identification numbers (column 12, lines 27-29).

Claim 7, the telecommunication system is a mobile telecommunications system (column 5, lines 20-26).

Claim 11, Fournies teaches a voice response unit used in performing the prepaid calls (column 6, lines 28-62). Fournies fails to teach an Intelligent Peripheral of an Intelligent Network, said Intelligent Peripheral comprising an Interactive Voice Response service through which credits are updated. Official Notice is taken that Intelligent Networks and Interactive Voice Response services are old and well known. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fournies and include such networks because it increases the efficiency of communications through a network.

Allowable Subject Matter

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 08 February 2007 have been fully considered but are moot in view of the new grounds of rejection.

Regarding claim 16, the voucher type is not defined in the claim, such as in claim 1 where a specified amount of calling time has different prices based on the voucher. Therefore, claim 16 is interpreted broadly and the teachings of Fournies for different ways of updating credit apply to claim 16. Therefore, air-time and monthly-basis as well as a variable amount qualify as two different ways to calculate a credit. Claims must be given their broadest

reasonable interpretation air-time, monthly-basis and variable amounts are all different ways to calculate credit.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
10 December 2007

